HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 5561 (M/S) of 2001

Kalu Ram S/o Sri Mangat Ram

R/o Jain Mandir Gali,

Vikas Nagar, District- Dehradun. .....Petitioner.

Vs

1. Civil Judge (S.D.)/F.T.C. II District- Dehradun.
2. Naraendra Kumar, S/o Sri Asha Ram,

   R/o Jain Mandir Gali, Vikas Nagar,

   Dehradun. .....Respondents

Miss Indu Sharma holding brief of

Sri Sharad Sharma learned counsel for the petitioner.

Sri J.C. Belwal learned counsel for he respondent No. 2.

Sri Atul Bansal learned brief holder for the State.

Dated:- 01-03-2006

Hon'ble B.S. Verma, J.

Heard Miss Indu Sharma holding brief of Sri Sharad Sharma learned counsel for the petitioner, Sri J.C. Belwal learned counsel for the respondent No. 2 and Sri Atul Bansal learned brief holder for the State.

Petitioner has filed the present writ petition for quashing the order dated 19-9-2001 (Annexure-7) to the writ petition passed by the Civil Judge (S.D.)/F.T.C II, Dehradun. Whereby the application No. 57 Ka was moved by the petitioner praying for a direction to the respondent No. 2 to produce original copy of the family settlement deed and the petitioner also moved application No. 58 Ka with a prayer to direct public notary to produce register in the court for showing the entries dated 9-4-1997. The learned Civil Judge (S.D.)/F.T.C II, Dehradun has rejected both these applications.

I have perused the record and I find that impugned order dated 19-9-2001 is interim in nature. The record reveals that the proceedings of P.A. Case No. 18 of 1999 Narendra Kumar Vs. Kalu Ram was not stayed by this court.

It has been submitted by Sri J.C. Belwal learned counsel for the respondent No. 2 that P.A. Case No. 18 of 1999 has already been decided by the Prescribed Authority on 22-06-2002.

In view of above, the writ petition has become rendered infructuous.

The writ petition is dismissed as infructuous.

(B.S. Verma, J.)

Dated: - 1-3-2006
M.K.